

DN FBT CV 15 6048103-S

DONNA L. SOTO, ADMINISTRATRIX	)	SUPERIOR COURT
OF THE ESTATE OF VICTORIA L.	)	
SOTO, DECEASED, ET AL.	)	J.D. OF FAIRFIELD/BRIDGEPORT
	)	@ BRIDGEPORT
v.	)	
	)	
BUSHMASTER FIREARMS	)	
INTERNATIONAL, LLC, ET AL.	)	MAY 16, 2016

**OBJECTION OF DEFENDANTS, REMINGTON OUTDOOR COMPANY, INC. and  
REMINGTON ARMS COMPANY, LLC, TO PLAINTIFFS' DOCUMENT REQUEST  
APPENDED TO NOTICES OF DEPOSITION**

The Defendants in the above-referenced matter, REMINGTON OUTDOOR COMPANY, INC. and REMINGTON ARMS COMPANY, LLC ("Remington"), pursuant to Practice Book Section 13-27(g) and 13-10, respectfully object to the identical document requests appended to the Notice of Deposition of Remington Outdoor Company, Inc.'s Corporate Designee Concerning Safety Policies and Practices, and the Notice of Deposition of Remington Arms Company, LLC's Corporate Designee Concerning Safety Policies and Practices, both dated April 15, 2016, as follows:

**Documents Requested to be Produced at Depositions Pursuant to Practice Book Section 13-27(g)**

- A. Documents concerning the Company's present and historical policies and practices concerning safe sale of firearms, the safety of users of firearms, and the protection of the public from the unlawful use of firearms from the inception of the Company until the present day.

**Objection:** Plaintiffs have requested documents regarding Remington’s policies and practices regarding the safe sale of firearms, the safety of users of firearms, and the protection of the public from unlawful use of firearms “from the inception of the Company until the present day.” Remington was founded in 1816, and plaintiffs’ request, on its face, asks for documents going back for 200 years. Remington objects to this document request on the grounds that it is overly broad and compliance would be unduly burdensome to Remington. Remington also objects to this document request on the grounds that it is vague and confusing, in that plaintiffs do not define or explain what they mean by the terms “safe sale of firearms” or the “safety of users of firearms” in a sufficiently specific manner to enable Remington to understand what types of documents plaintiffs are requesting. Remington further objects to this document request on the grounds that it seeks discovery of information which is irrelevant to the claims in this action and/or information that is not likely to lead to the discovery of admissible evidence or relevant information. The allegations in the Amended Complaint in this action do not appear to have anything to do with the “safe sale” of firearms, nor do they allege any claims that implicate the “safety of users of firearms.” Finally, Remington is a manufacturer of firearms and ammunition and transfers lawful products to other federally-licensed businesses, which resell them to other federally-licensed businesses or to law-enforcement-approved consumers for use in the shooting sports. Remington is not a law enforcement agency, and it does not have law enforcement authority or powers, so it is unclear what information plaintiffs are requesting that would involve policies and practices related to the “protection of the public from the unlawful use of firearms.”

Remington notes that it has engaged in informal discussions with the plaintiffs regarding the scope of the corporate designee depositions and the documents requested therein and have provided informal objections to counsel for plaintiffs to facilitate those discussions. Those informal objections are contained in an email dated May 9, 2016, a copy of which is attached hereto. Said informal objections are incorporated herein. Counsel for Remington and counsel for the Plaintiffs also have agreed to meet and confer regarding these objections on June 2, 2016.

THE DEFENDANTS,

REMINGTON OUTDOOR COMPANY, INC.  
& REMINGTON ARMS COMPANY, LLC

BY: /s/ Scott M. Harrington/#307196

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was mailed on May 16, 2016 to the following counsel:

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/s/ Scott M. Harrington/#307196  
Scott M. Harrington

## Scott Harrington

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**From:** James Vogts <jvogts@smbtrials.com>  
**Sent:** Monday, May 09, 2016 12:00 PM  
**To:** Alinor C. Sterling  
**Cc:** 'crenzulli@renzullilaw.com'; Berry Law; Scott Harrington  
**Subject:** Soto v. Remington et al

Alinor,

As we discussed, I'm providing you Remington's informal objections to the notice of deposition served by plaintiffs asking for corporate designee testimony on behalf of Remington Arms Company and Remington Outdoors Company. Remington has agreed to provide corporate designee testimony on July 13, 2016.

As you know, Practice Book Section 13-27(h) requires that the subject matters of corporate designee testimony be stated with "reasonable particularity." I don't believe plaintiffs have done so. I also don't believe that the subject matters, to the extent I understand them, are reasonably calculated to lead to the discovery of admissible evidence. They are also in some respects overly broad and unduly burdensome.

Initially, I'd point out that plaintiffs request testimony and documents from Remington on certain subject matters "since the inception" of the company. This request is overly broad and unduly burdensome. Remington was founded in 1816. I assume you are not asking for testimony and documents covering the 200 years of Remington's existence. If I'm correct, I ask that you narrow the time frame of your request substantially. If I'm wrong, please let me know.

There are three subject matters embedded in paragraph 1 of your deposition notice. They seek testimony on the "present and historical policies and/or practices...at the current time and at any time since the inception" of Remington regarding:

- (1) The safe sale of firearms;
- (2) The safety of users of firearms; and
- (3) The protection of the public from the unlawful use of firearms.

### **Safe Sale of Firearms**

With regard to topic 1, "the safe sale of firearms," Remington transfers firearms to other federal firearms licensees for resale to law enforcement-approved consumers. Remington completes firearm transfers pursuant to applicable federal, state and local laws and regulations. Are you looking for witness testimony regarding Remington's policy and practice to comply with those laws and regulations, or something else?

In any event, it's difficult to understand how Remington's policies and practices regarding firearm transfers (or, for that matter, the policies and practices of Camfour and Riverview Sales) has any relevance in this case. This is not a case in which a firearm was unlawfully transferred to a disqualified person. The Form 4473 attached to your request for production of documents establishes that Nancy Lanza was a qualified person – she passed the NICS background check and was approved by law enforcement to receive the firearm. And plaintiffs have not alleged that Riverview Sales was put on notice that Nancy was a person who should not receive firearms. I'm sure if plaintiffs had evidence that Riverview Sales knew or reasonably should have known that Nancy should not acquire firearms, those facts would be pleaded in the complaint.

So, I'm asking for an explanation of what "safe sale of firearms" means as to Remington, and an explanation of why testimony on the sale practices and policies of any of the defendants might lead to the discovery of admissible evidence.

### **Safety of Users of Firearms**

I'm am not unclear about the meaning of Topic 2, the "the safety of users of firearms". Remington undertakes considerable effort in the design and manufacturing of firearms to ensure they are safe for their owners to use. It also provides instructions on the handling characteristics of the products it manufacturers, and it provides warnings on safe firearms handling, use and storage. Remington documents touching on this topic would include those relating to firearms design, product development, product testing, material specifications, manufacturing specifications, manufacturing processes, quality control and more, encompassing firearms of all types and all models.

It's difficult to understand how a request for testimony and documents on this topic is reasonably calculated to lead to the discovery of admissible evidence. This is not a case in which the safety of the "user" of a Remington firearm was at risk. What Remington has done to protect the safety of those using its firearms seems completely irrelevant. I'd like an explanation of how testimony regarding Remington's policies and practices on the "safety of users of firearms" has anything to do with this case because producing documents on this topic would be a monumental undertaking, imposing undue burden and expense on Remington.

### **The Protection of the Public from the Unlawful Use of Firearms**

Remington is a manufacturer of firearms and ammunition. Remington transfers lawful products to other federally-licensed business, which resell them to other federally-licensed businesses or to law-enforcement-approved consumers for use in the shooting sports. Remington is not a law enforcement agency, and it does not have law enforcement authority or powers.

But even if Remington had law enforcement authority and the power to somehow protect the public from criminals, how would Remington have exercised that power to prevent Adam Lanza from committing his horrific crimes? The firearm was lawfully purchased by his mother. I don't believe there is any evidence that the firearm was put to an unlawful use during nearly three years of ownership. Reportedly, Lanza and his mother used the firearm together for target shooting at a local range. This isn't a case in which an unauthorized person gained access to a firearm and used it to cause harm.

Is it plaintiffs' position that Remington had a responsibility to somehow forever monitor the firearms it manufacturers to make sure they are not used by their owners for criminal purposes? I'm sure you'd agree that no court would ever impose such a legal obligation.

Plaintiffs have made it clear they believe the Bushmaster XM-15 rifle should not have been manufactured by Remington for civilian ownership, and that it should not have been inventoried and sold by Camfour and Riverview Sales. Plaintiffs have also made it clear they believe Remington marketed the rifle in ways that promoted its use by criminals. The subject matters on which you seek deposition testimony are unrelated to plaintiffs' allegations and the unfortunate circumstances surrounding the shooting.

I'm interested in your response to these informal objections. We can confer on June 2, as agreed.

Jim

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